

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

LLOYD NEIL POPE, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   ) Case No. CIV-07-1331-F  
                        )  
EDWIN CARNS, M.D., et al., )  
                        )  
Defendants.          )

**ORDER**

Plaintiff, a state prisoner appearing *pro se* whose pleadings are liberally construed, brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. The September 21, 2009 Report and Recommendation of Magistrate Judge Doyle W. Argo recommends that defendant Lindsay Municipal Hospital's motion for dismissal or summary judgment be granted with regard to plaintiff's federal claims, and that plaintiff's state law claims be dismissed without prejudice. The Report also recommends that plaintiff's motion to show cause, construed as a motion for preliminary injunction, his motion for appointment of counsel, and his motion to stay be denied. (All per Report at doc. no. 102.) The Report also advises plaintiff that failure to make timely objection to the Report waives the right to appellate review of both factual and legal questions. No objection to the Report has been filed, and no request for an extension of time within to file such an objection has been sought.

Having conducted its own review, and with there being no objection, the court finds that it agrees with the Report. It further finds that no purpose would be served by stating any further analysis here.

Accordingly, the Report and Recommendation of Magistrate Judge Argo is **s ACCEPTED, ADOPTED and AFFIRMED** in its entirety. Defendant Lindsay Municipal Hospital's motion for summary judgment is **GRANTED** with respect to plaintiff's federal claims against Lindsey Municipal Hospital. (Motion at doc. no. 96.) To the extent plaintiff is raising any claims under state law, those claims are **DISMISSED** without prejudice. Plaintiff's motion to show cause (doc. no. 101), construed as a motion for preliminary injunction, is **DENIED**. Plaintiff's motion for appointment of counsel (doc. no. 99) and his motion to stay (doc. no. 100) are also **DENIED**. This order disposes of all claims remaining in this action. Accordingly, judgment will be separately entered and this action is closed.

Dated this 28<sup>th</sup> day of October, 2009.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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